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PATENT
574313-2180.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : ALLAN *et al.*
U.S. Serial No.: 10/624,049
Filed : July 21, 2003
For : PORCINE CIRCOVIRUSES, VACCINES AND DIAGNOSTIC
REAGENTS
Examiner : Stacy Brown Chen
Art Unit : 1648



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Charles Jackson
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TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in further response to the Office Action dated February 1, 2006; an Amendment is filed concurrently.

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial, The Queen's University of Belfast and the University of Saskatchewan, the assignees of the above-captioned application ("the present application") and U.S. Patent Nos. 6,217,883 and 6,953,581;

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That Merial has a place of business at 17 rue Bourgelat 69002, Lyon, France; that the Queen's University of Belfast is located at University Road, Belfast BT7 1NN, Northern Ireland; that the University of Saskatchewan is located in Saskatoon, Saskatchewan, Canada, S7N 5C8;

That Merial, The Queen's University of Belfast and the University of Saskatchewan, are the assignees of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 10/624,049, by virtue of the assignment of parent application U.S.S.N. 09/161,092, now U.S. Patent No. 6,391,314, filed September 25, 1998, from the inventors as set out at Reel 009735 and Frame 0072, where said assignment was recorded at the U.S. Patent and Trademark Office on February 1, 1999;

That Merial, The Queen's University of Belfast and the University of Saskatchewan, are the assignees of the entire right, title and interest in, to U.S. Application Serial No. 09/784,962, now U.S. Patent No. 6,953,581, as a divisional of U.S. Application Serial No. 09/347,594, now U.S. Patent No. 6,217,883, filed July 1, 1999, by virtue of the assignment from the inventors as set out at Reel 010584 and Frame 0192, where said assignment was recorded at the U.S. Patent and Trademark Office on February 1, 2000;

That Merial, The Queen's University of Belfast and the University of Saskatchewan hereby disclaim the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,217,883 or 6,953,581;

That Merial, The Queen's University of Belfast and the University of Saskatchewan hereby agree that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,217,883 and 6,953,581, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of U.S. Patent No. 6,217,883 and 6,953,581, in the event that any of said patents expire earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignees, states that Merial, The Queen's University of Belfast and the University of Saskatchewan are the assignees of the entire right, title and interest in the patents and patent application identified above (U.S. Patent Nos. 6,217,883 and 6,953,581 and the present application) by virtue of the assignments identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignees identified above.

It is noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

A check in the amount of \$130.00 in payment of the fee under 37 CFR 1.20(d) is enclosed. The Commissioner is authorized to charge any additional fee occasioned by this paper, or to credit any overpayment of fees, to Deposit Account No. 50-0320.

Respectfully submitted,

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